



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1993

Ms. Sandra C. Joseph
Open Records Counsel/Disclosure Officer
Office of the Comptroller
LBJ State Office Building
Austin, Texas 78774

OR93-713

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former V.T.C.S. article 6252-17a).¹ Your request was assigned ID# 20823.

The Comptroller of Public Accounts (the "comptroller") received an open records request for, *inter alia*, "SASYS93 software diskettes for the 1993 Property Value Study" and "SASYS93 record layout for each local property category," each of which you contend are not subject to required public disclosure under the Open Records Act.² You explain that the "record layouts" constitute the "structure of the data base files and do not exist in written form." You contend that the comptroller need not release these two categories of information because they do not constitute "public information" as defined in section 552.021 (former section 3(a)) of the Open Records Act.

We agree. In Open Records Decision No. 581 (1990), this office determined that information, such as computer software, that has no significance other than its use as a tool for the maintenance, manipulation, or protection of public property is not the kind of

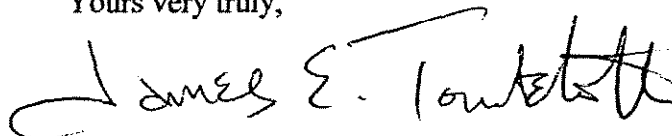
¹We note that the Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

²Although your letter also suggests that the operating instructions for the software are also not subject to required public disclosure, you have informed a member of our staff that your office in fact has released this information to the requestor.

information made public under section 3(a) of the Open Records Act. Accordingly, the software diskettes, including the record layouts that constitute part of that software, are not subject to the Open Records Act and therefore need not be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "James E. Tourtelott". The signature is fluid and cursive, with a large initial "J" and a stylized "T" at the end.

James E. Tourtelott
Assistant Attorney General
Open Government Section

JET/RWP/rho

Ref.: ID# 20823

Enclosures: Submitted diskettes

cc: Mr. Tom Witt
Director
Property Value Study Appeals Division
Law Offices of Calame, Linebarger,
Graham & Pena
P.O. Box 17428
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(w/o enclosures)